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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA**

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**JOHNATHAN TALBOT,**

**Plaintiff,**

**v.**

**MANOAH AINUU, *et al.*,**

**Defendants.**

**Case No. 2:23-cv-00066-BMM**

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**DECLARATION OF LEITA WALKER IN SUPPORT OF COMBINED  
MOTION TO DISMISS AND SPECIAL MOTION FOR EXPEDITED  
RELIEF OF DEFENDANT VF OUTDOOR, LLC d/b/a THE NORTH FACE**

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I, Mary Andreleita (“Leita”) Walker, declare as follows:

1. I am a partner with the law firm Ballard Spahr LLP, 2000 IDS Center, 80 S. 8th Street, Minneapolis, Minnesota 55402. I have been admitted *pro hac vice* to practice before this Court on this matter. I am counsel for Defendant VF Outdoor, LLC d/b/a The North Face (“TNF”).

2. I have personal knowledge of the facts stated in this declaration, and if sworn as a witness, I am competent to testify to them.

3. Attached hereto as **Exhibit A** is a true and correct copy of the page on TNF’s website featuring sponsored athlete Manoah Ainuu, available online at the following link: <https://www.thenorthface.com/en-us/about-us/athletes/manoah-ainuu>. This webpage is referenced in Plaintiff Johnathan Talbot’s Complaint at ¶¶ 22, 31.

4. Attached hereto as **Exhibit B** is a true and correct copy of the March 19, 2021 CNN news report by Ben Church, *‘It was super cool just having that much melanin in Montana’: The climbers aiming to boost diversity*, referenced in the Complaint at ¶ 35.

5. Attached hereto as **Exhibit C** is a true and correct copy of the March 2, 2022 Men’s Health news report by Michael Easter, *Learn Functional Fitness From Ice Climber Manoah Ainuu*, referenced in the Complaint at ¶ 37(a).

6. Attached hereto as **Exhibit D** is a true and correct copy of the September 23, 2020 New York Times Magazine news report by Daniel Duane, Jimmy Chin & Savannah Cummins, *Up, Up, and Away from It All*, referenced in the Complaint at ¶ 37(b).

7. Attached hereto as **Exhibit E** is a true and correct copy of the June 13, 2022 USA Today news report by Felecia Wellington Radel, *'I don't think it has really set in': First all-Black team to summit Everest talk historic trek*, referenced in the Complaint at ¶ 37(c).

8. Attached hereto as **Exhibit F** is a true and correct copy of the February 22, 2022 People Magazine news report by Topher Gauk-Roger, *Meet the First All-Black Group of Climbers Attempting to Summit Mount Everest: 'It's Really Powerful'*, referenced in the Complaint at ¶ 37(d).

9. Attached hereto as **Exhibit G** is a true and correct copy of a post from Manoah Ainuu's personal Instagram page, available at <https://www.instagram.com/p/CuAHLnyrGAD/>. Ainuu's Instagram page is incorporated by reference in the Complaint at ¶¶ 32, 33, 46, 65, 66, and 68, and several screenshots of it are attached to the Complaint as Exhibits 3, 5, 7, 11, and 12.

10. Attached hereto as **Exhibit H** is a true and correct copy of Instagram's Community Guidelines, available at [https://help.instagram.com/477434105621119?helpref=faq\\_content](https://help.instagram.com/477434105621119?helpref=faq_content).

11. Attached hereto as **Exhibit I** is a true and correct copy of the October 27, 2023 correspondence notifying Talbot of TNF's intent to move under Washington's Anti-SLAPP Act, informing him of his right to withdraw or amend his Complaint, and stating that TNF would seek to recover its attorneys' fees and costs, if successful.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 18th day of December, 2023.

Respectfully submitted,

/s/ Leita Walker  
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The North Face*

**CERTIFICATE OF SERVICE**

I hereby certify that on 18 December 2023, I electronically filed the foregoing Declaration (and exhibits thereto) with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record pursuant to the Local Rules.

/s/ *Leita Walker*  
Leita Walker